

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANTHONY CAPUANO, et al.,

Plaintiff,

v.

KEITH BROWN, et al.,

Defendant.

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Case No. C2:09-CV-00462

JUDGE ALGENON L. MARBLEY

MAGISTRATE JUDGE KING

ORDER

Based on the representation to the Court by Counsel that the parties to this lawsuit have resolved their dispute, the parties agree that the terms of their settlement agreement need not be placed upon the record at this time, but a Dismissal Order dismissing this case with prejudice shall be filed not later than forty-five (45) days from the date of this Order.

This matter is now terminated by settlement and shall be considered, pursuant to Fed. R. Civ. P. 41, dismissed without prejudice as to all claims, until the parties file the above-referenced Dismissal Order dismissing this matter with prejudice, unless the case is reopened for good cause shown upon proper motion of one or more parties to this action. The Court will retain continuing jurisdiction over the settlement agreement.

The Court hereby directs the U.S. District Court Clerk to serve upon all parties notice of this judgment and its date of Order upon the journal.

IT IS SO ORDERED.

s/Algenon L. Marbley
JUDGE ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

DATED: June 8, 2011